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CENTRAL FAX CENTER****MAR 11 2009****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of George E. Fox, )  
Richard C. Willson III and Zhengdong Zhang )  
**Serial No.: 10/057,270** )  
Filed: 26 Jan 2002 )  
For: ...Methods for Determining the Genetic )  
Affinity of Microorganisms and viruses )  
Examiner Jason )  
Sims(571 272 1540 )  
Group 1631 )  
Priority: 26 Jan 2001, USSN 60/254,403 )  
Attorney Docket: 010AUS )  
USPTO Customer Number: 26830 )  
Response Due: March 2009 )

Commissioner for Patents  
Box 1450 Group 1631  
Alexandria VA 22313-1450

**SUPPLEMENTAL RESPONSE AFTER INTERVIEW**

Sir:

In response to the interview kindly granted 6 March 2009 by  
Examiner Sims, consideration of the following Amendments and Remarks is  
solicited.

The undersigned Attorney certifies that this  
document has been filed via fax to 571-272-8400  
Central Fax of the USPTO on **11** March 2009 (37  
CFR 1.10).

No additional fee is believed due because withdrawn claims  
were cancelled to avoid additional fees with right reserved to  
refile these claims in the future. The Claims now number 20  
including 2 independent claims.

**INTERVIEW**

The 6 March 2009 telephone interview with the Examiner  
covered: A. Why claims 25 and 32-34 and 36-38 are considered

withdrawn, [because these Claims are deemed to fall within the nonelected Claims];

B. Obviating the 36 USC 112 objections [wording was reviewed and most of the changes made herein were discussed]; and

C. Reviewing how the amended claims differentiate from the Ebersole, [as discussed more fully in Applicants' Remarks filed February 17, 2009].

The inventors Fox and Willson III and the undersigned Attorney were present and appreciated Examiner Sims' expert comments.

Several further amendments were agreed and these are bold-faced in the enclosed substitute Amendments to Claims section which shows all changes to the Claims as filed 15 August 2008.